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October 3, 2014

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Christine Robinson v. Duke Energy Carolinas, LLC
Docket No. 2014-379-E

Dear Mrs. Boyd:

Enclosed please find Duke Energy Carolinas, LLC's Motion to Dismiss and Request to Hold Filing Deadlines and Hearing Date in Abeyance pending resolution of same.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Timika Shafeek-Horton / gw". The signature is written in a cursive, flowing style.

Timika Shafeek-Horton
Deputy General Counsel

Attachment
/gw

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

Docket No. 2014-379-E

IN RE:)	
)	
Christine Robinson,)	MOTION OF DUKE ENERGY
Complainant,)	CAROLINAS, LLC TO DISMISS
)	THE COMPLAINT OF CHRISTINE
v.)	ROBINSON AND REQUEST TO HOLD
)	FILING DEADLINES AND HEARING
Duke Energy Carolinas, LLC,)	DATE IN ABEYANCE PENDING
Respondent.)	RESOLUTION OF MOTION
_____)	

Pursuant to S.C. Code Ann. Regs. §103-829, Rule 12(b)(6) of the South Carolina Rules of Civil Procedure (“SCRCP”) and applicable South Carolina law, Respondent, Duke Energy Carolinas, LLC (“Duke Energy Carolinas” or “Company”) hereby moves the Public Service Commission of South Carolina (“Commission”) to dismiss the above-captioned matter on the merits because it fails to state a claim upon which relief can be granted. The Company also requests that filing deadlines and hearing dates be held in abeyance until this Motion is resolved.

BACKGROUND

Complainant Christine Robinson has been a customer of Duke Energy Carolinas at 5267 Highway 221 S, Laurens, South Carolina since 2000. Ms. Robinson asserts she is unable to pay her bill. Duke Energy Carolinas’ records show Ms. Robinson had an excellent credit record for many years until June 2013. The Company understands Ms. Robinson lost her job and since then has had difficulty paying her monthly electric bill.

Ms. Robinson enrolled in the Company’s Equal Payment Plan (“EPP”) effective with the August 2013 bill at \$92.00 per month, and this smoothed out some of the monthly fluctuations in

her bill. Ms. Robinson immediately fell behind in making payment of the EPP amount. Additionally, her usage increased such that the EPP amount had to be increased in February 2014 to \$119 per month. The 12th month of the EPP plan is a settle up month, which means that if the customer used more kWh than were covered by the EPP amount, the customer is billed the difference between the EPP amounts billed over the previous 11 months and the bills for the actual kWh used during that time. If the customer used less kWh than were covered by the EPP amount, the difference is credited to the account.

On July 22, 2014, Ms. Robinson brought the EPP payments current; however, she was billed again on July 25, 2014, for the 12th month settle up. This bill was for \$499.09, which included the 12th month EPP settle up amount of \$149.48 plus the current charges of \$349.61 for service from June 24, 2014 and July 25, 2014.

S. C. Code Ann. Regs. §103-352 requires utilities to offer a payment plan of up to six months for customers to bring their account current. A customer cannot be on the EPP and have a deferred payment arrangement. After Ms. Robinson contacted the Office of Regulatory Staff (“ORS”) about her complaint, Duke Energy Carolinas offered several payment options to Ms. Robinson which were conveyed to her in a letter dated August 29, 2014, from ORS. Ms. Robinson has not accepted any of these options and has made no payment since July 22, 2014. Ms. Robinson has been billed for the months of July, August, and September 2014 and now owes the Company \$806.58, of which \$656.68 is past due.

Failure to State a Claim

Duke Energy Carolinas respectfully requests that the Complaint be dismissed pursuant to Rule 12(b)(6), SCRPC, for failure to state facts sufficient to constitute a claim. The complaint fails to allege any violation of an applicable statute or regulation with respect to Duke Energy

Carolinas' bill presentation.

Duke Energy Carolinas understands the relief Ms. Robinson requests is government assistance to pay her bills. Duke Energy Carolinas, however, is not a governmental entity and cannot provide government assistance. The Company *does* provide funds, however, to local agencies that assist customers in paying utility bills. In that regard, the Company understands that one such agency has already paid \$370.94 toward Ms. Robinson's electric bill in April 2014. Additionally, even though the Commission and ORS are governmental agencies, Duke Energy Carolinas understands that the obligations of the Commission and ORS do not extend to payment of customers' electric bills. Therefore, the relief requested by Mr. Robinson is not within the jurisdiction of the Commission.

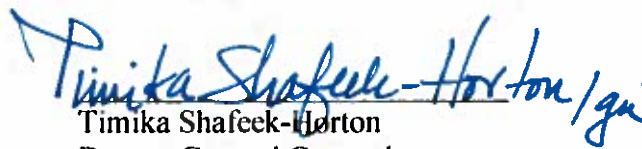
Ms. Robinson makes a vague reference to fraud in her complaint, but does not allege or claim her bills were not handled correctly or that she does not owe what she has been charged. The Company has offered Ms. Robinson a payment plan to bring her account current, complying with the Commission's rules.

CONCLUSION

Ms. Robinson has failed to state a claim for which relief can be granted, and the Company respectfully requests that her Complaint be dismissed. The Company also asks that the filing deadlines and hearing date be held in abeyance until this Motion is resolved.

WHEREFORE, Duke Energy Carolinas moves the Commission to dismiss the Complaint with prejudice, hold the testimony and hearing schedule in abeyance for all parties pending resolution of this motion, and requests such other relief as the Commission deems just and proper.

Dated this 3rd day of October 2014.



Timika Shafeek-Horton
Deputy General Counsel
Duke Energy Corporation
550 S. Tryon St.
Charlotte, North Carolina 28201

ATTORNEY FOR DUKE ENERGY
CAROLINAS, LLC

VERIFICATION

I, Barbara G. Yarbrough, am a Regulatory Affairs Manager for Duke Energy Carolinas, LLC. I am responsible for responding to customer inquiries including those directed to the South Carolina Office of Regulatory Staff. I have reviewed the documents received and maintained in the ordinary course of business by Duke Energy Carolinas. I am familiar with the records of Duke Energy Carolinas that pertain to Ms. Christine Robinson's electric service account.

I have personal knowledge as to the records and information discussed in the attached motion to dismiss, and I know them to be true of my own knowledge or I have gained knowledge of them from the records of Duke Energy Carolinas, which are maintained in the ordinary course of business by Duke Energy Carolinas.

I am authorized to represent Duke Energy Carolinas, I have read the above motion to dismiss and know the contents thereof, and I attest that the contents are true and correct to the best of my knowledge and belief.


BARBARA G. YARBROUGH

Subscribed and sworn to before me this

2nd day of _____ October 2014



Notary Public

My Commission Expires: October 31, 2015

